

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, : 22 CR 484(GRB)  
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:  
-against- : United States Courthouse  
: Central Islip, New York  
:  
:  
SHERRY XUE LI, : Friday, January 24, 2025  
: 12:00 PM  
:  
Defendant. :  
:  
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TRANSCRIPT OF CRIMINAL CAUSE FOR STATUS CONFERENCE  
BEFORE THE HONORABLE GARY R. BROWN  
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

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1           COURTROOM DEPUTY: Calling Criminal Case 2022-484  
2           USA versus Sherry Li.

3           Counsel, please state your appearance for the  
4           record.

5           MR. REICH: Good afternoon, Your Honor. Andrew  
6           Reich for the Government, and I'm joined by FBI Special  
7           Agent Ronald Chang.

8           THE COURT: Welcome.

9           MR. WEXLER: William Wexler on behalf of Sherry  
10          Li, who is seated next to me, Your Honor.

11          THE COURT: Excellent. Welcome back.

12          All right. What are we doing today, counsel?

13          MR. REICH: Your Honor, when we last met, Your  
14          Honor appointed Mr. Wexler to represent Ms. Li. We have  
15          had communications with Mr. Wexler to ensure that he has  
16          access to all of the discovery and that the Government is  
17          available to make sure that he can get all the discovery  
18          that he needs from the case. We also provided Mr. Wexler  
19          with a copy of the Government's plea agreement.

20          As Your Honor knows, there's been a plea  
21          agreement extended to Ms. Li for sometime now. It was set  
22          to expire; however, given the change in counsel, the  
23          Government did re-extend that plea agreement, so that she  
24          can review it with her new lawyer, Mr. Wexler. That plea  
25          agreement is scheduled to expire on February 13th.

1           At that point, the Government does, of course,  
2     intend to proceed to trial. Your Honor, there's a trial  
3     date of May 5th in this case. The Government intends and  
4     hopes that that is -- that that remains the trial date.

5           As Your Honor knows, the case has gone on for  
6     quite sometime, and the Government does need to do a great  
7     deal of preparation for trial, including bringing  
8     witnesses in from out of the country.

9           And so at this time, we are waiting on a final  
10    determination from counsel as to what his client wishes to  
11    do.

12           THE COURT: Okay.

13           So Mr. Wexler, I will put all those questions  
14    out to you with the exception of what your client intends  
15    to do on the plea agreement. I don't get involved with  
16    the plea negotiations. I'm required not to.

17           So other than that, tell me where we're at.

18           MR. WEXLER: Yes, Judge.

19           Essentially, what the Government has said is  
20    correct, and I've had a series of conversations with Mr.  
21    Reich and other members of his office concerning the  
22    discovery and they have been helpful in that regard.

23           With respect to the trial date of May 5th, if  
24    that's the date set for by the Court, defendant will be  
25    ready --

1 THE DEFENDANT: No, I never agreed with that.

2 Sorry. Sorry to interrupt.

3 THE COURT: Okay.

4 THE DEFENDANT: I'm sorry.

5 Judge, I believe President Trump signed  
6 executive order basically mandating government to stop  
7 persecute political opponents, and I do believe my case is  
8 hard to argue it is not political persecute case;  
9 therefore, I do think I deserve to wait until the new  
10 attorney general swear in, and that the Government look at  
11 this case. And basically, the Government should follow  
12 the presidential execution (sic) order. Basically, they  
13 are the part of the government.

14 THE COURT: Okay. When you say the political  
15 prosecution -- or persecution, I think you said -- are you  
16 referring to the pardon of the people involved in January  
17 6th? Is that what you're talking about?

18 THE DEFENDANT: No. No. President Trump signed  
19 probably two hundred executive orders.

20 THE COURT: I've read some of them. I haven't  
21 read all of them.

22 THE DEFENDANT: Yes.

23 There is a specific one basically because of the  
24 DOJ and FBI has been for the weaponization of using the  
25 political persecution and the FBI go after Trump

1 supporters, there is an execution (sic) order -- there is  
2 a presidential execution (sic) order basically say --  
3 require, mandate government to stop persecuting political  
4 opponents.

5 My case thinks Trump photos with me is a target  
6 hit. It's harder for anyone to argue that it's not  
7 political persecution. Therefore, there is a base for the  
8 Government to throw out the case.

9 This is the Government before the new attorney  
10 general swears in because if they not willing to stop it,  
11 I do deserve a chance for the new attorney general swears  
12 in to review it, to basically make a decision if this is a  
13 political persecution cases.

14 THE COURT: Okay. Hang on.

15 Where's the Government standing right now in  
16 terms of the attorney general? You have an acting  
17 attorney general, do you not?

18 MR. REICH: That's correct, Your Honor. I don't  
19 know the timeline for the new attorney general.

20 THE COURT: Yes. I don't either.

21 But I have a couple of questions today that I  
22 don't -- I wasn't prepared to talk substance today, but  
23 that's all right.

24 The charges here, as I recall, do they involve a  
25 political corruption statute per se or is it a

1 straightforward sort of mail and wire fraud?

2 THE DEFENDANT: The charges --

3 THE COURT: Ma'am, sorry. I let you speak, but  
4 you wait your turn.

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Go ahead.

7 MR. REICH: Your Honor, as you know, this is not  
8 a political corruption case.

9 THE COURT: No, no, no, no. I'm asking the  
10 question, are there campaign finance laws charged,  
11 anything like that?

12 MR. REICH: Yes, Your Honor. There are. There  
13 are three general buckets of charges with respect to Ms.  
14 Li's conduct here.

15 THE COURT: Go through them, please. Explain  
16 them in detail to us, please.

17 Go ahead.

18 MR. REICH: Thank you.

19 One bucket involves wire fraud with respect to  
20 the alleged fraud that Ms. Li and her co-defendant  
21 perpetrated with respect to the projects that we've talked  
22 about, and receiving investments from individuals on that  
23 project.

24 Another bucket involves campaign finance  
25 violations with respect to straw donations and bundling of

1 political donations.

2 Another bucket, Your Honor, is tax offenses.

3 And those, I would say, are the three main  
4 buckets in the case.

5 THE COURT: Okay. All right. So are you  
6 familiar with any of the executive orders that might bear  
7 on this case because I'm not, but there might be. I don't  
8 know.

9 MR. REICH: Your Honor, I am not familiar with  
10 an executive order that bears on this case, and I can tell  
11 you that sitting here, the Government has -- the  
12 Government, our office, the case team has no indication  
13 that there's going to be any action taken with respect to  
14 Ms. Li's case on the DOJ side other than to proceed to  
15 trial.

16 THE COURT: Right.

17 What I will say is lots of surprising things  
18 have happened in the last few days, but I don't know of  
19 anything that affects this case. If there is something  
20 that say pertains to the campaign finance charges, I don't  
21 think that would affect the remainder of the case.

22 So Ms. Li, just be advised that there are fraud  
23 charges here, straight flat-out fraud charges, and you  
24 made promises and they were untrue. I don't know if  
25 they're true or not. I don't know what happened.

1 THE DEFENDANT: If I tell you a fact that FBI  
2 started investigated me before any EB-5 investor invest  
3 with my case, and that they are initiated by the local  
4 environmental group which have their environmental and  
5 political agenda. And there are prosecutors and the  
6 judges, they own the land next to my property in -- where  
7 I'm developing.

8 So they started invest my case before any EB-5  
9 investors invest with me. Basically, that shows they are  
10 not there to investigate for investors' protection. They  
11 are there to achieve their involvement in political  
12 agenda.

13 And also by the way, the head of FBI director in  
14 New York state at the time when we tried to apply for my  
15 bail at the Manhattan south district and the lawyer for  
16 those environmental group members at the south district,  
17 the members, by the way, and the head of FBI director,  
18 Michael Brodack, at the time I tried to apply for my bail,  
19 which I'm a U. S. Citizen for almost 27 years. I live in  
20 same location for 15 years with my son and dad. And we  
21 put a large amount of assets to provide for the bail. And  
22 three tried, our bail was denied.

23 And I'm a NYU Law School graduate, Your Honor.  
24 And basically for my situation, I'm a citizen living at  
25 the same address with my parent, my dad and my son for



1 this many years. I do not have a flee risk. I do  
2 business routinely to go to China, three trips a year, but  
3 that's for last 30 years, while the same DOJ can grant the  
4 bail for the various Sri Lankan without any money, without  
5 any ID, with violence go to the department. They give  
6 them a bail 24 hour.

7 I find this a double-standard of DOJ to not  
8 grant me bail. And by the way, Michael Brodack basically  
9 said that he won't -- his boss from Washington will never  
10 allow to give me any bail.

11 And I think all this should be investigated  
12 behind the scene, how this case started, how they handle  
13 this procedure, who is involved, who is --

14 THE COURT: Ma'am, ma'am. I'm going to stop you  
15 now because here's the thing. I don't really want you  
16 getting too much into the facts because you have Fifth  
17 Amendment rights and things could be used against you. So  
18 you have to be really careful with what you say.

19 THE DEFENDANT: Yes, Your Honor. I'm sorry.

20 THE COURT: No, no. Don't apologize. I'm  
21 trying to help you.

22 Here, in court, everything is written down, and  
23 something you say might hurt you in the future.

24 THE DEFENDANT: Yes.

25 THE COURT: What I want you to understand is the

1 following. This case has been pending a very long time.

2 THE DEFENDANT: Yes.

3 THE COURT: I'm familiar with many of the facts  
4 here, many allegations here.

5 I believe that even if there was some order --  
6 and I don't know of one -- that you have to -- say the  
7 campaign finance questions or something, I don't think  
8 it's going to impact the rest of the case.

9 I don't have the luxury of knowing what's going  
10 to happen. I have no idea what's going to happen. But I  
11 know this. I have legal obligations to get your case  
12 tried. So we're going to set your case up to get tried,  
13 but if something happens, the president issues some order  
14 and the DOJ withdraws the charges, then you'll go. And  
15 that's the end of it.

16 But if that doesn't happen -- and in my  
17 experience, what we hope as individuals the Government  
18 might do and what actually happens are two different  
19 things. So you might hope your case is going to go away,  
20 but it might not, so I have to be ready in case it  
21 doesn't.

22 So you've got a May 5th trial date. Maybe that  
23 will just be on the fraud charges. Who knows? If there  
24 is a question about -- that the campaign finance charges  
25 may complicate things, I'll put those aside. I can sever

1 those. I have that power. I'll put those aside and we'll  
2 just go to trial on the fraud charges.

3 Now, the fraud charges, as I recall, involve  
4 many allegations of false statements, theft of monies and  
5 so forth. So there's a lot of work to do. So you have to  
6 work with Mr. Wexler to prepare for that trial. Okay?

7 THE DEFENDANT: Okay.

8 THE COURT: Okay.

9 So, Mr. Wexler, how are we doing on discovery  
10 and so forth?

11 MR. WEXLER: I have received discovery, and I am  
12 starting to review it.

13 THE COURT: Okay. So you have gotten the  
14 materials from the Government? Yes?

15 MR. WEXLER: Yes.

16 THE COURT: All right. If there are plea  
17 negotiations, that's fine. That's always welcome. I can  
18 see why there might not be here, but if there are, you'll  
19 engage in those as well. We have a trial date set up.

20 Did I waive Speedy Trial through that trial  
21 date?

22 MR. REICH: Your Honor, I'm not sure that we  
23 did, but in an abundance of caution, the Government would  
24 request that we waive Speedy Trial through May 5th.

25 MR. WEXLER: No objection.

1 THE COURT: Okay. So I'm going to do that.

2 So do we have a motion schedule? Are we going  
3 to make motions? Mr. Wexler, are there motions  
4 forthcoming, do we think?

5 MR. WEXLER: Not that I know of at this  
6 juncture, Judge.

7 THE COURT: But in your review, you may find --

8 MR. WEXLER: Yes. I'm going to start reviewing  
9 executive orders.

10 THE COURT: There's that as well as the  
11 materials that are being provided. If there is something  
12 you need to move on, you'll let me know. And you could  
13 always agree with the Government on the schedule.

14 MR. WEXLER: Yes, sir.

15 THE COURT: I'm happy to do that.

16 But everyone should prepare for trial on May 5th  
17 because barring some extraordinary event, that's what I  
18 expect to have happen, so --

19 THE DEFENDANT: One more thing I want to state  
20 is, I do have line of credit approved by the financial  
21 institution.

22 And I also -- the purchase order of all the  
23 buildings prefabricated about --

24 THE COURT: Hang on. Hang on. Are talking  
25 about the case now? Yes?

1 THE DEFENDANT: Yeah.

2 THE COURT: I don't want you to talk about that  
3 because the FBI is here. They write down everything you  
4 say and they could even go to trial and say, oh, she said  
5 this about the prefab. I don't know what that means.  
6 That's why I stopped you. They could use that against  
7 you. So that's probably not a good idea.

8 You should talk to Mr. Wexler before you say  
9 things on the record because it can hurt you. I've seen  
10 it a lot of times and I don't want you getting yourself in  
11 more trouble. Do you understand?

12 THE DEFENDANT: Okay.

13 THE COURT: Okay. Good.

14 Mr. Wexler, anything else I can do for you  
15 today?

16 MR. WEXLER: No thank you, Your Honor.

17 THE COURT: All right.

18 Anything else -- any other request that the  
19 Government has for today?

20 MR. REICH: Nothing further from the Government,  
21 Your Honor.

22 THE COURT: All right.

23 I will waive Speedy Trial through the May 5th  
24 trial date. That doesn't mean I'm closing the doors here.  
25 Everyone is going to come in with motions and other

1 things, but I do think that we need the time to prepare  
2 for trial. This is a complicated matter.

3 Mr. Wexler is relatively new on the case,  
4 although you've been on it for a little bit now, and  
5 there's a lot to do.

6 You would agree with me there, Mr. Wexler?  
7 There's a lot to do?

8 MR. WEXLER: I would agree with you, Judge.

9 THE COURT: Okay. Good.

10 So I would say that it's in the public interest  
11 and in the defendant's interest to exclude that time, so  
12 that both sides have the chance to review everything,  
13 prepare for trial.

14 If there are discussions to be held that might  
15 resolve the case or parts of the case, you can do that as  
16 well, but I think you need that time to get ready for  
17 trial. So it's in the public interest and in the interest  
18 of justice to order the exclusion. So I'll order that.

19 What else?

20 MR. REICH: Nothing further from the Government,  
21 Your Honor.

22 MR. WEXLER: Nothing, Your Honor. Thank you.

23 THE COURT: All right. Delightful seeing all of  
24 you. I will hear from or see you all soon. Thank you.

25 (Proceedings concluded.)